

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

STAR NEWS DIGITAL MEDIA, INC.,
MICHAEL PATRICK LEAHY, and
MATTHEW D. KITTLE,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

Civil Action No. 3:23-cv-00467-AAT

DECLARATION OF LIEUTENANT BRENT GIBSON

I, Brent Gibson, under the penalty of perjury, declare as true and correct the following:

1. I am over the age of 18 and competent to testify to the matters stated herein, which are based on my own personal knowledge.
2. I am a Lieutenant with the Metropolitan Nashville Police Department (“MNPD”).

The MNPD is the law enforcement agency of the Metropolitan Government of Nashville.

3. I joined MNPD on February 16, 2002, and since then I have worked in the following assignments: Patrol Officer in the Patrol Division, Officer in the Special Operations Section, Detective in the Intelligence Unit, Sergeant in the Patrol Division and the Special Operations Section, and Lieutenant in the Patrol Division and the Criminal Investigations Division - Homicide Unit. Since March of 2021, I have been in the position of Homicide Unit Lieutenant.

4. Prior to joining MNPD, I was a police officer for the City of Mt. Juliet from 1998 to 2002.

5. I earned an A.S. Criminal Justice degree from Columbia Southern University; further, I am a graduate of Northwestern University Center for Public Safety – School of Police Staff and Command.

6. MNPD officers have been investigating and gathering information relating to the shooting at The Covenant School since it occurred on March 27, 2023. I am overseeing this investigation, which is being conducted by multiple MNPD officers. The MNPD investigation into the matter is still an active, ongoing criminal investigation and an open matter.

7. MNPD has been investigating by working with state and federal agencies, reviewing the officer-involved shootings, interviewing witnesses, executing search warrants, and gathering evidence from the scene, the assailant's home, and the other places relevant to the assailant's background.

8. The ongoing investigation concerns, amongst other topics, whether the assailant at The Covenant School had any assistance with planning the shooting or any assistance with purchasing the weapons that were used in the shooting. MNPD has not had an opportunity to interview everyone connected to the incident or to review all the materials it has gathered as part of this investigation.

9. Even though the assailant died at the school, the criminal investigative file does not automatically, instantly close. Investigators must work to gather and analyze evidence in the case and to determine if related crimes were committed, are being planned, or whether other people were involved. We need to investigate the matter thoroughly, as we do in all homicides, to rule out any co-conspirators or additional crimes related to this matter.

10. The investigatory file for this investigation includes the documents that Police Chief John Drake referred to as a “manifesto” from the shooting that took place on March 27,

2023. Those documents were found in the car of the assailant, Audrey Hale, on the day of the shooting. Those documents were shared with the Federal Bureau of Investigation for their assistance in support of the MNPD's ongoing investigation.

11. Based on my role overseeing the investigation, and my 25 years of experience in law enforcement, I believe that harmful and irreversible consequences could result from fully disclosing the MNPD's investigative records, including those referred to as a "manifesto" by Police Chief John Drake. If the records were released, they could reveal which individuals are potential witnesses in the investigation or potential defendants in future criminal proceedings. The MNPD has not yet had the opportunity to interview individuals identified in the investigative records, including in the documents found in Audrey Hale's car on the day of the shooting. MNPD needs to have the opportunity to interview those individuals without them having advance notice of how and when they are mentioned in the writings.

12. If the investigative file, including the documents that Police Chief John Drake referred to as a "manifesto," were released fully, that release could reveal the nature, scope, direction, and focus of the MNPD's ongoing investigation. Disclosure of this type of information could undermine the investigation efforts because potential witnesses could shape their testimony in light of the disclosed information. Potential witnesses may also decline to cooperate if those potential witnesses became aware of the scope of the investigation.

13. The MNPD's investigative file is the product of the education and investigative experience utilized by the law enforcement officers to gather relevant documents, items, and electronic files related to this crime.

14. It is essential that police investigators be able to gather materials freely and broadly, using their judgment, without fear that materials they gather will prematurely be released to the public and cause prejudice to the effectiveness of the investigation.

15. Ideally, the records related to the ongoing criminal investigation should remain confidential until the conclusion of the investigation or any resulting criminal case. However, MNPD believes that releasing a redacted version of certain of the shooter's writings would not impede the investigation. MNPD has provided the redacted version to the Chancery Court for the Twentieth Judicial District, Davidson County, Tennessee, for in camera review. If the Chancery Court were to direct the release of the redacted materials in that proceeding over the objection of the intervening parties, *Brewer v. Metro. Gov't of Nashville & Davidson Cnty.*, No. 23-542-III (Nashville Ch. Ct., May 1, 2023), MNPD would not oppose the release of those same redacted materials in this federal FOIA action.


Brent Gibson
June 29, 2023